

RECEIVED  
CENTRAL FAX CENTER

APR 21 2008

## RESPONSE

Claims Rejections Under 35 USC Section 102, Paragraphs 1, 2, 3 and 4 of the First Office Action  
and Claims Rejection Under 35 USC Section 103, Paragraphs 5 and 6 of the First Office Action

The Office presently rejects certain claims 1 through 14 as lacking novelty over US Patent Publication No. 2001/0054064 to Kannan. Kannan however, discloses a somewhat different device lacking a key structure of the present invention, and claim 15 over a combination of the Kannan reference and US Patent No. 6202054 to Lawlor.

The present invention however actually attempts to allow managerial personnel to control and monitor the flow of contact information between potential customers and financial services professionals. **In fact, a most singular feature of the present invention is the withholding of the specific contact information from the professional until a response has been made by a prescribed channel. Thus the financial professional who desires the contact is required to make a response by a monitored channel of communication before being provided with the specific information.** This is the opposite of the teaching of Kannan, which attempts to facilitate communication in a predictable manner.

The analysis of independent claims 1, 10 and 14 of the present invention may be better understood with this central fact in mind. Figure 3, the flowchart, most clearly shows this unique aspect of the invention. The boxes 338 and 340 are clearly shown, and it will be immediately seen that boxes 338 and 340 do nothing until the financial services professional makes a monitored response. This combination of boxes 338 and 340 is a waiting operation.

The specific contact information (name of the consumer, telephone number, email address and so on) is being withheld until the financial services professional has made a proper response via the system.

On the other hand, in the most general terms Kannan discloses a system for allowing easy customer to CSR and CSR to customer access and communication, in particular by revealing such structures as the "EASYHOLD" (Servicemark) method, instant contact information provision and the like. Obviously, the Kannan reference, which is dedicated to speeding and easing communication, is the opposite. For example, at Paragraph Number 236 of the Kannan reference, the reference states: "[0236] Check database of people in the system to get **instant** contact information."

Even more clearly, the Kannan reference states as follows at the beginning of the Detailed Description:

#### **DETAILED DESCRIPTION OF THE FIGURES**

##### **[0057] Overview and Terminology**

**[0058] The present invention provides a method, system, and computer program product for on-line, live customer service over the World Wide Web (WWW) in real-time... The term "real-time" means information, such as a customer query and a CSR response, can be exchanged in a round-trip cycle between a customer and a customer service representative with little or no delay such as within seconds or minutes (any delay being substantially a**

**function of the communication medium and devices connected between customer and CSR).**

However, the Court of Appeals for the Federal Circuit has stated as follows in regard to anticipation (Section 102 rejections):

“In deciding the issue of anticipation, the trier of fact must identify the elements of the claims, determine their meaning in light of the specification and prosecution history, and identify corresponding elements disclosed in the allegedly anticipating reference.” *Lindemann Maschinenfabrik GmbH v. American Hoist and Derrick Co.* 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Circ. 1984)

And in regard to obviousness:

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)

In the present instance, the limitation of preventing the financial services professional

from receiving contact information unless they make a correct response is not disclosed in the Kannan reference. In addition, the “instantaneous” nature of Kannan means that the Kannan reference cannot even be combined with another reference if one is found, as that would violate the Court’s ruling in *In re Ratti, id.*

#### Additional Structural Deficiencies of the Prior Art

Additional structures are not found in the prior art cited. In general, the Kannan reference does NOT teach the difference between general financial information and specific contact information, does not teach use by financial services professionals, and does not teach a monitoring module requiring a specific response before the financial services professional is allowed the consumer’s actual contact information.

#### NO CONTACT INFORMATION :

Present Application, Summary of the Invention: “The server emails the financial/real estate/mortgage professional with an email which does NOT contain any contact information for the consumer; instead the email is actually a link to the server’s website geared to professionals. Once there, the professional responds to the consumer and receives direct consumer contact information such as telephone number, email address, etc. This server-based system not only impels professionals to make a prompt first response in order to secure the contact information, it also allows supervisory personnel to keep statistics on professional response time, consumer behavior, etc.”

By contrast, the First Office Action cites to different levels of service available in the Kannan application, seen at Paragraph 0069, such as "Express Service", "Full Service" and so on. These different levels of service have no apparent relevance to breaking up the consumer information to filter out contact information. If such relevance exists, then the Office is required under regulations and precedent to make a prima facie case by spelling out what is the similarity between levels of service (Kannan) and filtering of contact information (the present invention).

#### Financial Service Professionals

The present invention relates to financial service professionals such as mortgage brokers and the like (Abstract), while the Kannan reference deals with CSRs, "Customer Service Representatives", (Abstract).

#### Monitoring of Response

Structurally, the present invention requires a monitoring of the financial services professional response, for example, as noted previously, at waiting steps 338 / 340 of Figure 3, before the contact information is provided to the financial services professional. However, Kannan does not teach this monitoring step / module.

The First Office Action on the other hand, cites to a routing module or step in Kannan, at Paragraph 0103. The Kannan step merely sorts out the customers into different categories for handling by different CSRs.

Final Status on Second Action

According to MPEP 706.07(a):

“Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).”

Conclusion, Paragraph 7 of the First Office Action

For all the foregoing reasons, applicant respectfully urges that the application is in condition for immediate allowance, and such action is requested. The Examiner is respectfully urged to contact applicant's counsel, Craig W. Barber, PO Box 16220, Golden, Colorado, 80402-6004, 303-278-9973, fax 303-278-9977, with any questions or comments.

Signed: 

Craig W. Barber  
USPTO No. 39,102  
303-278-9973  
PO Box 16220  
Golden, Colorado 80402-6004